

U.S. Trustee Program Posts Bankruptcy Data on Data.gov Web Site

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Open Government Initiative

As part of President Obama's Open Government Initiative, the Department of Justice recently posted a number of previously unreleased data sets online. Among these are bankruptcy-related data sets from the United States Trustee Program (USTP) that provide details on chapter 7 asset cases from trustees' final reports, data on the USTP's Language Assistance Program (LAP) and a summary table on civil enforcement trends. These newly published data sets are available either as raw data files or as summary statistical tables.

A priority of the Obama Administration, the Open Government Initiative established the Data.gov Web site (www.data.gov) to increase the ability of the public to find, download and use data sets that are generated and held by the federal government. Data.gov provides links to descriptions of federal government data sets and information on how to access them. Data sets are hosted on the submitting agencies' Web sites.

The primary purpose of Data.gov is to increase public access to high-value, machine-readable data sets generated by the executive branch of the federal government. In many cases, "machine-readable" means that the data are raw – that is, not aggregated. Raw data requires analytical software and statistical expertise to develop statistical summary tables. The USTP is providing machine-readable data as well as summary statistical tables on Data.gov and on the USTP's Web site at http://www.justice.gov/ust/eo/public_affairs/data_files/index.htm.

Machine-Readable Data

To support the use of machine-readable data for research purposes, the USTP has posted two types of data sets: chapter 7 asset case data and Language Assistance Program data. Both data sets are formatted as tab-delimited text files for use with statistical or spreadsheet software. Users are cautioned that some files may be too large to be viewed properly in spreadsheet software. Machine-readable data sets have an advantage over summary tables in that they provide researchers with the flexibility to categorize, correlate and conduct statistical analyses in ways that others have not considered to explore relationships and identify patterns in the data.

Chapter 7 Asset Case Data

The USTP oversees approximately 1,100 private trustees who administer chapter 7 cases. Chapter 7 trustees collect and liquidate non-exempt assets and distribute funds to creditors in accordance with the Bankruptcy Code. When a chapter 7 case with assets is closed, a bankruptcy trustee is responsible for submitting a final report on the disposition of assets, distribution of funds to creditors and administrative expenses.

There are 10 data sets on Data.gov that document final reports for chapter 7 cases with assets, representing nearly 500,000 cases over a period of almost 10 years. These data sets

correspond to cases closed in calendar years 2000 through 2008 and in January through June of 2009. The chapter 7 asset case data includes 71 original variables and six computed variables for each case. All variables are labeled and described in a codebook available on the USTP Web site. Some of the most noteworthy variables are gross receipts, trustee fees, administrative costs, legal fees, and funds paid to creditors, debtors and third parties. While most of the information in the trustees' final reports is included in these data sets, some information has been omitted for privacy reasons, such as debtor name, trustee name, case number and case filing date.

Language Assistance Program

Individuals who have sufficient English language skills to communicate basic information may nonetheless have difficulty communicating or understanding detailed information regarding their bankruptcy cases. As part of its Language Assistance Program, in fiscal year 2009 the USTP began offering free telephonic interpreter services for persons with limited English proficiency at nearly 250 of its section 341 meeting sites.

The USTP collects information on the use of these interpreter services. Monthly, each interpreter service submits to the USTP a list of every interpreting session, which is defined as an uninterrupted call with interpreting services provided in one language. A session may involve more than one case, although the number of cases is not recorded. The interpreter service provides information on the location, duration and language of each session.

There are seven monthly LAP data sets, from May 2009 through November 2009, and a total of over 13,000 observations detailing the use of interpreter services. The LAP data sets include the location of the USTP office, the language used, the length of the call and the month and year of the interpreting session.

Summary Statistical Tables

While the machine-readable data files are useful for researchers wishing to undertake an extensive analysis of the data, the USTP also provides summary statistical tables. These tables are not all-encompassing, but they do provide basic insight into the data without the need to use statistical software. As of this writing, the USTP has posted two summary statistical tables, one on chapter 7 case closing activity for calendar year 2008 and one on civil enforcement activity for fiscal years 2004 through 2009. Other tables will be added as reports are submitted and more data become available.

Chapter 7 Asset Case Data

Figure 1 shows a portion of a summary table for chapter 7 asset case data from calendar year 2008. In that year, there were more than 63,000 chapter 7 cases with assets closed, for a total of more than \$2.6 billion in receipts. Descriptive statistics, including minimum, maximum, mean and median, are included for the major categories of distributions and fees. The table posted on the Web site has additional statistical calculations for each category that were omitted here due to space considerations.

Figure 1.

CHAPTER 7 ASSET CASES CLOSED CALENDAR YEAR 2008							
			% of Total Receipts	Mean	Median	Minimum	Maximum
Total Gross Receipts		\$2,695,161,710		\$42,640	\$4,160	\$12	\$57,959,305
Distributions	Secured Creditors	\$779,578,554	28.9%	\$167,687	\$24,639	\$0	\$17,152,349
	Priority Creditors	\$117,535,919	4.4%	\$13,929	\$2,155	\$0	\$6,182,548
	Unsecured Creditors	\$673,338,286	25.0%	\$11,996	\$2,250	\$0	\$20,856,757
	Funds Paid to Debtor & Third Parties	\$214,891,565	8.0%	\$13,536	\$1,411	\$0	\$9,580,389
	Total Distributions	\$1,785,344,324	66.2%				
Fees & Costs	Trustee Fees	\$158,558,410	5.9%	\$2,531	\$931	\$0	\$1,672,719
	Trustee Legal Fee	\$85,927,433	3.2%	\$5,951	\$1,243	\$10	\$1,750,399
	Other Firms' Legal Fees	\$251,972,105	9.3%	\$25,074	\$4,878	\$5	\$10,552,627
	Trustee Accounting Fees	\$8,396,516	0.3%	\$12,064	\$954	\$12	\$924,368
	Outside Professional Fees	\$107,470,876	4.0%	\$8,380	\$965	\$2	\$6,672,938
	Administrative Costs	\$206,925,255	7.7%	\$3,425	\$96	\$0	\$5,991,130
	Prior Chapter Costs	\$90,567,500	3.4%	\$95,134	\$11,808	\$0	\$19,418,332
Total Fees & Costs		\$909,818,096	33.8%				

Civil Enforcement Activity

Four posted tables summarize USTP data on the following aspects of USTP civil enforcement activity: formal actions, informal actions, litigation outcomes and potential financial impact. Many of these civil enforcement activity statistics have been reported in the USTP's *Annual Report of Significant Accomplishments*, but this is the first time these figures have been provided in a format to display historical trends. The tables are provided as a PDF document in the codebook and as separate spreadsheet files for each type of table.

An example of one of these tables is provided in Figure 2. Figure 2 provides total formal actions by fiscal year from 2004 through 2009 for the range of enforcement categories, including actions under 11 U.S.C. §§ 707(a), 707(b) and 727, actions to remedy abusive conduct by creditors, and other actions. Formal actions include all motions, complaints and objections filed with the bankruptcy court by USTP personnel seeking some form of legal relief.

Figure 2.

Type of Formal Action	Total FY04- 09	FY 2009	FY 2008	FY 2007	FY 2006	FY 2005	FY 2004
General Civil Enforcement							
§ 707(a) Dismissal for Cause	25,876	3,107	3,709	5,248	6,477	3,570	3,765
§ 707(b) Dismissal for Abuse	26,418	3,912	4,372	4,835	4,301	4,245	4,753
§ 727 Denial of Discharge	9,516	2,006	1,810	1,639	1,704	1,301	1,056
§ 1328(f) Denial of Discharge	637	91	313	233	N/A	N/A	N/A
§ 1307(c) Dismissal or Conversion	4,648	331	958	1,885	708	766	N/A
§ 110 Bankruptcy Petition Preparers	2,399	301	167	245	246	546	894
§ 327 & § 1103 Appointment of Professionals	4,036	751	660	485	497	699	944
§ 329 Attorney Fee Disgorgement	3,093	542	540	465	421	418	707
Other Attorney Misconduct	728	41	53	66	191	166	211
Referrals to State Bar	119	13	19	19	11	40	17
Creditor Abuse and Debt Relief Agencies							
§ 526 Debt Relief Agencies	56	6	39	9	2	N/A	N/A
Abusive Conduct by Creditors	524	318	130	57	19	N/A	N/A
Case Administration							
§ 1112(b) Conversion or Dismissal	17,188	3,459	2,766	2,289	2,429	2,938	3,307
§ 1125 Disclosure Statements	2,996	489	362	405	408	630	702
§ 1129 Plan Confirmation	1,630	291	235	241	237	281	345
§ 1104 Appointment of Trustee or Examiner	658	125	122	108	63	117	123
§ 330 Professional Fee Requests	4,273	511	546	581	630	957	1,048
§ 326 Trustee Fees	597	29	73	97	98	179	121
Debtor Identification							
Debtor Identification - Motions/Objections	982	38	45	43	212	203	441
Total	106,374	16,361	16,919	18,950	18,654	17,056	18,434

N/A – Data are not available for the year indicated.

Future Postings

As more data become available, the USTP will continue to post new machine-readable and summary data on the Data.gov Web site. Additionally, there may be updates to previously published data sets as new case information is received. Any changes will be clearly described.

Conclusion

To increase transparency in government, the Department of Justice recently published a number of high-value data sets. Included in this group are 17 bankruptcy-related machine-readable data sets and associated summary tables that display chapter 7 asset case information by calendar year and civil enforcement activity by fiscal year. All data sets are stored and maintained by the USTP, and are accessible on the Open Government Web site at

www.Data.gov and the USTP's Web site at
http://www.justice.gov/ust/eo/public_affairs/data_files/index.htm.